# **PROOF**

# **STATE OF IOWA**

# **House Journal**

**TUESDAY, MARCH 15, 2005** 

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the office of the Chief Clerk. (The official bound copy will be available after a reasonable time upon adjournment.)

# **JOURNAL OF THE HOUSE**

Sixty-fifth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives Des Moines, Iowa, Tuesday, March 15, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the bag pipe music of David Earll from Sibley. He was the guest of Representative Dolores Mertz from Kossuth County.

Prayer was offered by Reverend Bill Spencer, pastor of Our Savior Lutheran Church, Marshalltown. He was the guest of Representative Steve Olson from Clinton County.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 14, 2005 was approved.

#### INTRODUCTION OF BILLS

<u>House Joint Resolution 5</u>, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Read first time and placed on the calendar.

<u>House File 752</u>, by committee on human resources, a bill for an act relating to crimes against members of the species Homo sapiens at any stage of development and making penalties applicable.

Read first time and placed on the calendar.

<u>House File 753</u>, by committee on human resources, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

Read first time and placed on the calendar.

<u>House File 754</u>, by committee on judiciary, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

Read first time and placed on the calendar.

<u>House File 755</u>, by committee on natural resources, a bill for an act relating to wild animals, by providing for their regulation, providing for fees and appropriations, and providing for penalties.

Read first time and referred to committee on ways and means.

<u>House File 756</u>, by committee on natural resources, a bill for an act relating to the regulation of all-terrain vehicles, establishing fees, and providing penalties.

Read first time and referred to committee on ways and means.

<u>House File 757</u>, by committee on transportation, a bill for an act relating to the disposition of abandoned vehicles.

Read first time and placed on the calendar.

**House File 758**, by committee on agriculture, a bill for an act providing for the regulation of commercial canine operations.

Read first time and placed on the calendar.

<u>House File 759</u>, by committee on agriculture, a bill for an act relating to the keeping of farm deer, and providing for fees and the appropriation of the fees.

Read first time and placed on the calendar.

<u>House File 760</u>, by committee on human resources, a bill for an act relating to dependent adults and the provision of protective services.

Read first time and placed on the calendar.

<u>House File 761</u>, by committee on human resources, a bill for an act relating to early childhood programs available through the community empowerment initiative.

Read first time and placed on the calendar.

**House File 762**, by committee on agriculture, a bill for an act providing for the liability of a landowner who provides for drainage.

Read first time and placed on the calendar.

<u>House File 763</u>, by committee on commerce, regulation and labor, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Read first time and referred to committee on ways and means.

<u>House File 764</u>, by committee on commerce, regulation and labor, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

Read first time and placed on the calendar.

<u>House File 765</u>, by committee on commerce, regulation and labor, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

Read first time and placed on the calendar.

<u>House File 766</u>, by committee on environmental protection, a bill for an act relating to the acceptance of empty beverage containers and the payment and retention of the refund value by dealers of beverages and redemption centers.

Read first time and referred to committee on ways and means.

<u>House File 767</u>, by committee on environmental protection, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties.

Read first time and placed on the calendar.

<u>House File 768</u>, by committee on environmental protection, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

Read first time and placed on the calendar.

House File 769, by committee on human resources, a bill for an act requiring the department of human services to propose options for expediting the department's response to requests for correction of child abuse data or findings and providing an effective date.

Read first time and placed on the calendar.

House File 770, by committee on human resources, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals.

Read first time and placed on the calendar.

# SENATE MESSAGES CONSIDERED

<u>Senate File 200</u>, by committee on agriculture, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

Read first time and referred to committee on agriculture.

<u>Senate File 201</u>, by committee on agriculture, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

Read first time and referred to committee on agriculture.

<u>Senate File 210</u>, by committee on judiciary, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Read first time and referred to committee on **commerce**, **regulation and labor**.

**Senate File 246**, by committee on judiciary, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

Read first time and passed on file

<u>Senate File 260</u>, by committee on commerce, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Read first time and referred to committee on **commerce**, **regulation and labor**.

<u>Senate File 265</u>, by committee on local government, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Read first time and passed on file.

<u>Senate File 268</u>, by Shull and Kreiman, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances.

Read first time and referred to committee on local government.

<u>Senate File 275</u>, by Ragan, Angelo, Kreiman, Hancock, Mulder, Gaskill, Putney and Stewart, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

Read first time and referred to committee on agriculture.

<u>Senate File 280</u>, by committee on local government, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

Read first time and referred to committee on local government.

<u>Senate File 302</u>, by committee on transportation, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Read first time and referred to committee on transportation.

**Senate File 304**, by committee on human resources, a bill for an act relating to the provisions of the elder Iowans Act.

Read first time and **passed on file.** 

#### ST. PATRICK'S DAY OBSERVANCE

Jenkins of Black Hawk presented to the House John Carty, T.D. a Fianna Fail member of the Irish Parliament and represents County Mayo. He will represent the Republic of Ireland at the Emmetsburg St. Patrick's Day Association 2005 Celebration.

Frevert of Palo Alto introduced the 2005 Miss Shamrock, Kayla Helget from Estherville Lincoln Central High School and Mr. Carty, whom addressed the House.

The House rose and expressed its welcome.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 10:05 a.m., Speaker Rants in the chair.

# Regular Calendar

<u>House Joint Resolution 1</u>, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage, was taken up for consideration.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

MARRIAGE. SEC. 26. Only marriage between a man and a woman shall be valid or recognized in the State of Iowa. The State of Iowa and its political subdivisions shall not create or recognize a legal status identical or substantially similar to that of marriage for unmarried individuals.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

# **EXPLANATION**

This joint resolution proposes an amendment to the Constitution of the State of Iowa regarding the validity and recognition of certain marriages in Iowa. The joint resolution, if adopted, would be referred to the next general assembly for adoption a second time before being submitted to the electorate for ratification.

Carroll of Poweshiek moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 1)

The yeas were, 54:

Alons Boal De Boef Eichhorn Greiner	Anderson Carroll Dix Ford Heaton	Arnold Chambers Dolecheck Freeman Hoffman	Baudler Dandekar Drake Granzow Horbach
Huseman	Hutter	Jacobs Veetanhaah	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Mertz	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Soderberg	Swaim
Tjepkes	Tomenga	Tymeson	Upmeyer

Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
·	Rants		

The nays were, 44:

Bell	Berry	Bukta	Cohoon
Davitt	Elgin	Fallon	Foege
Frevert	Gaskill	Gipp	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Reichert	Schueller	Shoultz
Smith	Struyk	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, 2:

Heddens Maddox

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

# **IMMEDIATE MESSAGE**

Gipp of Winneshiek asked and received unanimous consent that **House Joint Resolution 1** be immediately messaged to the Senate.

# INTRODUCTION OF BILLS

<u>House File 771</u>, by committee on judiciary, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Read first time and placed on the calendar.

<u>House File 772</u>, by committee on state government, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

Read first time and placed on the calendar.

House File 773, by committee on state government, a bill for an act relating to eligibility of certain members of the armed forces of the United States, the reserve forces of the United States, and the Iowa national guard for the military service tax credit and exemption and providing an effective and an applicability date.

Read first time and referred to committee on ways and means.

<u>House File 774</u>, by committee on state government, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

Read first time and placed on the calendar.

House File 775, by committee on state government, a bill for an act relating to political campaigns by requiring mandatory disclosures in certain political telephone communications, limiting campaign contributions for statewide and legislative elections, limiting contributions to political parties, providing a penalty for filing a false complaint, and applying other penalties.

Read first time and placed on the calendar.

House File 776, by committee on state government, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and charges for credit card payments accepted by government.

Read first time and placed on the calendar.

<u>House File 777</u>, by committee on judiciary, a bill for an act relating to a person who assaults a peace officer by exchanging or attempting to exchange bodily fluids.

Read first time and placed on the calendar.

<u>House File 778</u>, by committee on public safety, a bill for an act expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

Read first time and placed on the calendar.

<u>House File 779</u>, by Zirkelbach and Reichert, a bill for an act relating to a policy to qualify certain members of the Iowa national guard and persons who own land and pay property tax in this state for resident tuition rates at institutions of higher education in this state.

Read first time and referred to committee on education.

<u>House File 780</u>, by Mascher, a bill for an act providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing for the Act's implementation.

Read first time and referred to committee on ways and means.

**House File 781**, by committee on human resources, a bill for an act relating to the establishment of a direct care worker task force.

Read first time and placed on the calendar.

# SENATE MESSAGES CONSIDERED

<u>Senate File 282</u>, by committee on local government, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

Read first time and referred to committee on state government.

**Senate File 321**, by committee on judiciary, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Read first time and referred to committee on **public safety**.

<u>Senate File 324</u>, by committee on commerce, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Read first time and referred to committee on **commerce**, **regulation and labor**.

<u>Senate File 330</u>, by committee on judiciary, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

Read first time and referred to committee on judiciary.

<u>Senate File 331</u>, by committee on judiciary, a bill for an act to establish an automated victim notification system in the department of justice.

Read first time and referred to committee on public safety.

On motion by Gipp of Winneshiek, the House was recessed at 11:26 a.m., until 5:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:47 p.m., Speaker Rants in the chair.

# INTRODUCTION OF BILLS

<u>House File 782</u>, by Mascher, a bill for an act making changes to the law relating to urban renewal and tax increment financing and including effective and applicability date provisions.

Read first time and referred to committee on local government.

<u>House File 783</u>, by committee on environmental protection, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Read first time and referred to committee on ways and means.

<u>House File 784</u>, by committee on human resources, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal.

Read first time and placed on the calendar.

<u>House File 785</u>, by committee on human resources, a bill for an act relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date.

Read first time and placed on the calendar.

<u>House File 786</u>, by committee on human resources, a bill for an act relating to the operating or providing of another business or activity in a health care facility.

Read first time and placed on the calendar.

<u>House File 787</u>, by committee on human resources, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable.

Read first time and placed on the calendar.

<u>House File 788</u>, by committee on human resources, a bill for an act relating to a nursing facility quality assurance assessment, providing a contingent effective date, providing for retroactive applicability, and providing an effective date.

Read first time and placed on the calendar.

<u>House File 789</u>, by committee on human resources, a bill for an act relating to programs and functions under the purview of the Iowa department of public health.

Read first time and placed on the calendar.

<u>House File 790</u>, by committee on human resources, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

Read first time and referred to committee on ways and means.

<u>House File 791</u>, by committee on state government, a bill for an act relating to the recognition and licensing of professional employer organizations and providing for penalties.

Read first time and placed on the calendar.

House File 792, by committee on state government, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Read first time and referred to committee on appropriations.

# **QUORUM CALL**

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

# CONSIDERATION OF BILLS Regular Calendar

<u>House File 532</u>, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 4:55 p.m.

Tomenga of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 532)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Fallon Ford Heddens

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

# MESSAGES FROM THE SENATE

The following messages were received from the Senate:

<u>Senate File 215</u>, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 272</u>, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 320</u>, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

<u>Senate File 335</u>, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 345, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

 $\underline{\textbf{Senate File 353}},$  a bill for an act relating to apparel worn while hunting upland game birds.

MICHAEL E. MARSHALL, Secretary

House File 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, was taken up for consideration.

Maddox of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 683)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll,			
Presiding			
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The nays were, none.

Absent or not voting, 3:

Fallon Ford Heddens

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 512**, a bill for an act relating to city waterworks franchises, was taken up for consideration.

Watts of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 512)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll,			
Prociding			

Presiding

The nays were, none.

Absent or not voting, 3:

Fallon Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Heddens

# IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 512, 532** and **683.** 

Speaker Rants in the chair at 5:07 p.m.

# HOUSE REFUSES TO CONCUR

Baudler of Adair called up for consideration <u>Senate File 169</u>, an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, amended by the House and moved that the House recede from its amendment.

The motion failed and the House insists.

# CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning <u>Senate File 169</u>: Baudler of Adair, Chair; Dolecheck of Ringgold, Sands of Louisa, McCarthy of Polk and Lykam of Scott.

Speaker pro tempore Carroll in the chair at 5:10 p.m.

#### **IMMEDIATE MESSAGE**

Gipp of Winneshiek asked and received unanimous consent that **Senate File 169** be immediately messaged to the Senate.

# Regular Calendar

<u>House File 440</u>, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 440)

The ayes were, 83:

Alons Arnold **Baudler** Bell Boal Carroll Chambers Berry Cohoon Dandekar Davitt De Boef Dix Dolecheck Drake Eichhorn

T21.3	п.	Б	ъ.
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Smith
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 15:

Anderson	Bukta	Fallon	Hunter
Jochum	Lensing	Maddox	Mascher
Olson, R.	Schueller	Shoultz	Taylor, D.
Taylor, T.	Wessel-Kroeschell	Winckler	

Absent or not voting, 2:

Ford Heddens

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

<u>House File 478</u>, a bill for an act relating to the Iowa commission on volunteer service, was taken up for consideration.

Freeman of Buena Vista offered the following amendment  $\underline{H-1057}$  filed by her and moved its adoption:

# H-1057

- 1 Amend <u>House File 478</u> as follows:
- 2 1. Page 1, line 23, by striking the word
- 3 "department" and inserting the following:
- 4 "commission".

Amendment H-1057 was adopted.

Freeman of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 478)

The ayes were, 98:

Alons Anderson Arnold **Baudler** Boal Bell Berry Bukta Chambers Cohoon Dandekar Davitt De Boef Dix Dolecheck Drake Eichhorn Fallon Elgin Foege Freeman Frevert Gaskill Gipp Greiner Heaton Hoffman Granzow Hogg Horbach Hunter Huseman Huser Hutter Jacobs Jacoby Jochum Kaufmann Jenkins Jones Kressig Kuhn Kurtenbach Lalk Lensing Lukan Lykam Maddox Mascher May McCarthy Mertz Olson, D. Miller Murphy Oldson Olson, R. Olson, S. Paulsen Petersen Pettengill Raecker Rants, Spkr. Quirk Rasmussen Rayhons Reasoner Reichert Roberts Sands Schickel Schueller Shoultz Soderberg Shomshor Smith Struyk Swaim Taylor, D. Taylor, T. **Thomas Tjepkes** Tomenga Tymeson Upmeyer Van Engelenhoven Van Fossen, J.K. Van Fossen, J.R. Watts Wendt Wessel-Kroeschell Whitaker Whitead Wilderdyke Winckler Wise Zirkelbach Carroll. **Presiding** 

The nays were, none.

Absent or not voting, 2:

Ford Heddens

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

<u>House File 580</u>, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment, was taken up for consideration.

Roberts of Carroll in the chair at 5:33 p.m.

Swaim of Davis offered the following amendment  $\underline{H-1066}$  filed by him and moved its adoption:

# H-1066

- 1 Amend House File 580 as follows:
- 2 1. Page 3, by striking lines 15 and 16.
- 3 2. By renumbering, redesignating, and correcting
- 4 internal references as necessary.

Amendment <u>H-1066</u> was adopted.

Swaim of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 580)

The ayes were, 97:

Presiding

Alons Anderson Arnold Baudler Bell Berry Boal Bukta Dandekar Carroll Chambers Cohoon Davitt De Boef Dix Dolecheck Drake Eichhorn Elgin Foege Gaskill Freeman Gipp Frevert Granzow Greiner Heaton Hoffman Huseman Hogg Horbach Hunter Huser Hutter Jacobs Jacoby **Jenkins** Jochum Jones Kaufmann Kressig Kuhn Kurtenbach Lalk Maddox Lensing Lukan Lykam **McCarthy** Mascher May Mertz Olson, D. Miller Murphy Oldson Olson, R. Olson, S. Paulsen Petersen Pettengill Quirk Raecker Rants, Spkr. Rasmussen Rayhons Reasoner Reichert Sands Schickel Schueller Shomshor Shoultz Smith Soderberg Struyk Taylor, D. Swaim Taylor, T. Thomas Tomenga Tymeson Upmeyer **Tjepkes** Van Engelenhoven Van Fossen, J.K. Van Fossen, J.R. Watts Wendt Wessel-Kroeschell Whitaker Whitead Wilderdyke Winckler Wise Zirkelbach Roberts,

The nays were and 1:

Fallon

Absent or not voting and 2:

Ford

Heddens

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

# **HOUSE FILE 462 WITHDRAWN**

Swaim of Davis asked and received unanimous consent to withdraw <u>House File 462</u> from further consideration by the House.

# **HOUSE FILE 195 WITHDRAWN**

Watts of Dallas asked and received unanimous consent to withdraw <u>House File 195</u> from further consideration by the House.

<u>House File 591</u>, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, airport transfers to aviation authorities, and providing an effective date, was taken up for consideration.

Rayhons of Hancock offered the following amendment  $\underline{H-1064}$  filed by him and moved its adoption:

#### H-1064

- 1 Amend <u>House File 591</u> as follows:
- 2 1. Page 2, by striking lines 10 through 22, and
- 3 inserting the following:
- 4 "Sec.\_\_\_. Section 321.1, subsection 88, Code
- 2005, is amended to read as follows:
- 6 88. "Truck tractor" means every motor vehicle
- 7 designed and used primarily for drawing other vehicles
- 8 and not so constructed as to carry a load other than a
- 9 part of the weight of the vehicle and load so drawn.
- 10 However, a truck tractor may have a box, deck, or
- 11 plate for carrying freight, mounted on the frame
- 12 behind the cab, and forward of the fifth-wheel

- 13 connection point."
- 14 2. By renumbering as necessary.

Amendment H-1064 was adopted.

Rayhons of Hancock offered the following amendment  $\underline{\text{H-}1063}$  filed by him and moved its adoption:

# H-1063

- 1 Amend House File 591 as follows:
- 2 1. Page 4, by striking lines 12 through 18.
- 3 2. Title page, line 5, by striking the words
- 4 "airport transfers to aviation authorities,".
- 5 3. By renumbering as necessary.

Amendment H-1063 was adopted.

Rayhons of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 591)

The ayes were, 98:

Alons **Baudler** Anderson Arnold Bell **Boal** Bukta Berry Carroll Chambers Cohoon Dandekar De Boef Dolecheck Davitt Dix Drake Eichhorn Elgin Fallon Ford Freeman Frevert Foege Gaskill Gipp Granzow Greiner Heaton Hoffman Hogg Horbach Hunter Huseman Huser Hutter Jacoby Jochum Jacobs **Jenkins** Kressig Jones Kaufmann Kuhn Kurtenbach Lalk Lensing Lukan Maddox Mascher Lykam May **McCarthy** Mertz Miller Murphy Oldson Olson, D. Olson, R. Olson, S. Quirk Paulsen Petersen Pettengill Raecker Rants, Spkr. Rasmussen Rayhons Reichert Sands Schickel Reasoner Schueller Shomshor Shoultz Smith Soderberg Struyk Swaim Taylor, D. Tjepkes Taylor, T. **Thomas Tymeson** Upmeyer Van Engelenhoven Van Fossen, J.K. Van Fossen, J.R. Watts Wendt Wessel-Kroeschell Whitaker

Whitead Wilderdyke Winckler Wise Zirkelbach Roberts,

Presiding

The nays were, none.

Absent or not voting, 2:

Heddens Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

# **IMMEDIATE MESSAGES**

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 440, 478, 580** and **591.** 

#### SPECIAL PRESENTATION

Dix of Butler introduced to the House the Honorable Pat Shey, former state representative from Linn County.

The House rose and expressed its welcome.

House File 641, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats, was taken up for consideration.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 641)

The ayes were, 98:

Alons Anderson Arnold **Baudler** Berry Bukta Bell Boal Carroll Chambers Cohoon Dandekar Davitt De Boef Dix Dolecheck Drake Eichhorn Elgin Fallon Ford Freeman Frevert Foege

Greiner Gaskill Gipp Granzow Heaton Hoffman Hogg Horbach Hunter Huseman Huser Hutter Jacoby Jenkins Jochum Jacobs Jones Kaufmann Kressig Kuhn Kurtenbach Lalk Lensing Lukan Maddox Mascher Lykam May McCarthy Murphy Mertz Miller Oldson Olson, D. Olson, R. Olson, S. Paulsen Petersen Pettengill Quirk Rayhons Raecker Rants, Spkr. Rasmussen Reasoner Reichert Sands Schickel Schueller Shomshor Shoultz Smith Soderberg Struyk Swaim Taylor, D. Tymeson Taylor, T. **Thomas Tjepkes** Upmeyer Van Engelenhoven Van Fossen, J.K. Van Fossen, J.R. Watts Wendt Wessel-Kroeschell Whitaker Whitead Wilderdyke Winckler Wise Zirkelbach Roberts, Presiding

The nays were, none.

Absent or not voting, 2:

Heddens

Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

<u>House File 673</u>, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture, was taken up for consideration.

J.R. Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 673)

The ayes were, 91:

Alons Anderson Arnold Baudler Bell Carroll Berry Boal Chambers Cohoon Dandekar **Davitt** De Boef Dix Dolecheck Eichhorn Elgin Foege Ford Freeman Frevert Gaskill Granzow Gipp Greiner Heaton Hogg

Horbach Hunter Huseman Huser Hutter Jacobs Jacoby Jenkins Jochum Jones Kaufmann Kressig Lensing Kuhn Kurtenbach Lalk Lukan Lykam Maddox Mascher McCarthy Mertz Miller May Murphy Oldson Olson, D. Olson, R. Olson, S. Paulsen Pettengill Petersen Quirk Rants, Spkr. Rasmussen Rayhons Reasoner Reichert Sands Schickel Smith Schueller Shomshor **Shoultz** Soderberg Struyk **Swaim** Taylor, D. Taylor, T. **Thomas Tjepkes** Tymeson Upmeyer Van Engelenhoven Van Fossen, J.K. Van Fossen, J.R. Watts Whitaker Wendt Wessel-Kroeschell Whitead Winckler Roberts. Presiding

The nays were, 7:

Drake Fallon Raecker

Wilderdyke Wise Zirkelbach

Absent or not voting, 2:

Heddens Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 646**, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals, was taken up for consideration.

Raecker of Polk offered the following amendment H-1060 filed by him and moved its adoption:

# H-1060

- Amend House File 646 as follows:
- 1. Page 2, line 17, by inserting before the word

- 3 "shall" the following: "required to be registered as
- 4 provided in this section".

Amendment H-1060 was adopted.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 646)

The ayes were, 97:

Alons Anderson Arnold **Baudler** Bell Boal Bukta Berry Carroll Chambers Cohoon Dandekar De Boef Dix Dolecheck Davitt Drake Eichhorn Elgin Fallon Foege Ford Freeman Frevert Gaskill Granzow Greiner Gipp Heaton Hoffman Hogg Horbach Hunter Huseman Huser Hutter Jacobs **Jenkins** Jacoby Jochum Kressig Kaufmann Kuhn Jones Kurtenbach Lalk Lensing Lukan Mascher Lykam Maddox May McCarthy Mertz Miller Murphy Oldson Olson, D. Olson, R. Olson, S. Paulsen Pettengill Quirk Petersen Raecker Rants, Spkr. Rasmussen Rayhons Sands Schickel Reasoner Reichert Schueller Shomshor Shoultz Smith Soderberg Struyk Swaim Taylor, D. Tymeson Taylor, T. **Thomas Tjepkes** Upmeyer Van Fossen, J.R. Van Engelenhoven Van Fossen, J.K. Wessel-Kroeschell Watts Wendt Whitaker Zirkelbach Whitead Winckler Wise Roberts.

The nays were, 1:

Wilderdyke

Presiding

Absent or not voting, 2:

Heddens Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 685, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions, was taken up for consideration.

Sands of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 685)

The ayes were, 95:

Alons Anderson Arnold Baudler Bell Berry Boal Bukta Dandekar Carroll Chambers Cohoon Davitt De Boef Dix Dolecheck Drake Eichhorn Elgin Foege Frevert Ford Freeman Gipp Greiner Heaton Hoffman Granzow Hogg Horbach Hunter Huseman Jacoby Huser Hutter Jacobs **Jenkins** Jochum Jones Kaufmann Kurtenbach Kressig Kuhn Lalk Lensing Mascher Lukan Lykam May McCarthy Mertz Miller Murphy Olson, D. Olson, R. Oldson Olson, S. Paulsen Petersen Pettengill Quirk Raecker Rants, Spkr. Rasmussen Rayhons Reasoner Reichert Sands Schickel Schueller Shomshor Shoultz Smith Soderberg Struyk Swaim Taylor, D. Taylor, T. Tjepkes **Thomas** Van Fossen, J.K. Tymeson Upmeyer Van Engelenhoven Van Fossen, J.R. Watts Wendt Wessel-Kroeschell Whitaker Wilderdyke Whitead Winckler Wise Zirkelbach Roberts, Presiding

The nays were, 3:

Fallon Gaskill Maddox

Absent or not voting, 2:

Heddens Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### **IMMEDIATE MESSAGES**

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 641, 646, 673** and **685.** 

# **HOUSE FILE 244 WITHDRAWN**

J.R. Van Fossen of Scott asked and received unanimous consent to withdraw House File 244 from further consideration by the House.

# SPONSOR ADDED (House Resolution 18)

Murphy of Dubuque requested to be added as a sponsor of <u>House</u> Resolution 18.

# BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 15, 2005, he approved and transmitted to the Secretary of State the following bills:

<u>House File 216</u>, an Act relating to motor vehicle regulation by the State Department of Transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

<u>House File 277</u>, an Act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing penalties.

<u>House File 418</u>, an Act concerning billing for anatomic pathology services and making licensing sanctions applicable.

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# **COMMUNICATION RECEIVED**

The following communication was received and filed in the office of the Chief Clerk:

# CHILD ADVOCACY BOARD

Fiscal Year 2004 Annual Report, pursuant to Chapter 237.18(d), Code of Iowa.

# CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

# MARGARET A. THOMSON Chief Clerk of the House

2005\753	$Ludmilla\ Dvorak,\ Traer-For\ celebrating\ her\ 89^{th}\ birthday.$
2005\754	Dorriss Degner Hook, Dysart – For celebrating her $85^{\text{th}}$ birthday.
2005\755	Evert and Cornelia Van Westen, George – For celebrating their $65^{\rm th}$ wedding anniversary.
2005\756	Richard Rosgaard, Rock Valley – For celebrating his $90^{\text{th}}$ birthday.
2005\757	Marjorie H. Hamilton, Hampton – For celebrating her $80^{\rm th}$ birthday.
2005\758	Ardell Flaten, Klemme – For celebrating his $80^{\mathrm{th}}$ birthday.
2005\759	Phyllis Ferrier, Clear Lake – For celebrating her $80^{\rm th}$ birthday.
2005\760	Allyn Freese, Hampton – For celebrating his $80^{\rm th}$ birthday.
2005\761	Richard and Dorothy Thompson, Rockwell – For celebrating their $65^{\rm th}$ wedding anniversary.
2005\762	Robert and Phyllis Heilskov, Hampton – For celebrating their $50^{\rm th}$ wedding anniversary.
2005\763	Richard and Marjorie Taylor, Ventura – For celebrating their $60^{\rm th}$ wedding anniversary.

# SUBCOMMITTEE ASSIGNMENT

# **House File 699**

Education: Chambers, Chair; Paulsen and Wendt.

# HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

# H.S.B. 281 Judiciary

Relating to the cost of procuring a supersedeas bond.

# H.S.B. 282 Ways and Means

Relating to the regulation of the department of agriculture and land stewardship of the sale of motor vehicle fuel including increasing the license inspection fee for retail motor vehicle fuel pumps, prohibiting the sale of gasoline below certain cost, providing for penalties, and making appropriations.

# **H.S.B. 283** Ways and Means

Relating to original jurisdiction over actions seeking declaratory judgments on constitutional nexus issues for sales or use tax purposes.

# COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly <u>House Study Bill 275</u>), relating to and making appropriations to the judicial branch, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 14, 2005.

#### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly <u>House File 34</u>), relating to the establishment of a promotional program for national historic landmarks.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

**Committee Bill** (Formerly <u>House File 297</u>), relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

**Committee Bill** (Formerly <u>House File 561</u>), relating to requirements for economic development financial assistance used for construction purposes.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

Committee Bill (Formerly House Study Bill 137), relating to economic development activities by creating the grow Iowa values fund, increasing the number of members on the Iowa economic development board, allowing the creation of economic development regions, authorizing the certification of and development of cultural districts, requiring coordination of regulatory assistance, providing tax credits, and making appropriations.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

**Committee Bill** (Formerly <u>House Study Bill 213</u>), relating to tax credits for equity investments in qualifying businesses or community–based seed capital funds.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

# RESOLUTIONS FILED

**HCR 10**, by committee on judiciary, a concurrent resolution requesting the establishment of an interim study committee by the legislative council to conduct a study of issues related to the costs of professional liability insurance for health care providers in Iowa.

Placed on the calendar.

**HR 19**, by Mascher, Foege, Jacoby and Lensing, a resolution honoring the University of Iowa football team and Coach Kirk Ferentz.

Laid over under Rule 25.

**HR 20**, by Mascher, Foege, Jacoby and Lensing, a resolution to recognize and honor Professor James Van Allen for his lifetime of service and achievement.

Laid over under Rule 25.

# AMENDMENTS FILED

<u>H-1068</u>	H.F.	<u>585</u>	<b>Upmeyer of Hancock</b>
<u>H-1069</u>	H.F.	<b>587</b>	Upmeyer of Hancock
<u>H-1070</u>	<u>H.F.</u>	602	De Boef of Keokuk
H-1071	H.F.	<b>728</b>	Hutter of Scott
H-1072	H.F.	<u> 162</u>	De Boef of Keokuk
H-1073	<u>S.F.</u>	71	De Boef of Keokuk
H-1074	H.F.	737	Sands of Louisa
H-1075	H.F.	645	Raecker of Polk
			Wendt of Woodbury
H-1076	H.F.	<b>768</b>	Greiner of Washington
H-1077	H.F.	644	Huser of Polk
			Gaskill of Wapello
H-1078	H.F.	<b>624</b>	Frevert of Palo Alto
			Greiner of Washington
			Baudler of Adair
H-1079	H.F.	<b>85</b>	Tomenga of Polk
H-1080	H.F.	643	Alons of Sioux
<b>Chambers</b> of	of O'Brien		Greiner of Washington
Huseman o	f Cherokee		Lalk of Fayette
Wise of Lee	!		Cohoon of Des Moines
Reasoner of	Union		<b>Kurtenbach of Story</b>
Sands of Lo	ouisa		3
H-1081	H.F.	<b>584</b>	Kaufmann of Cedar
H-1082	H.F.	686	Dix of Butler
			Watts of Dallas
H-1083	H.F.	712	Gaskill of Wapello
H-1084	H.F.	712	Gaskill of Wapello
H-1085	H.F.	742	Tymeson of Madison
H-1086	H.F.	712	Gaskill of Wapello
H-1087	H.F.	686	Paulsen of Linn
			T. Taylor of Linn
			=

On motion by Gipp of Winneshiek the House adjourned at 6:14 p.m., until 8:45 a.m., Wednesday, March 16, 2005.